



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paula G. Ray  
Serial No: 10/642,412  
Filing Date: August 14, 2003 (Corrected)  
Title: SCOOTER  
Our File: STG-100-A

**PETITION FOR CORRECTED FILING RECEIPT 37 CFR 1.10**

MS Petitions  
Hon. Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions that the above noted application be accorded the filing date of August 14, 2003, the date the Application was actually deposited with and using the "Express Mail" service of the United States Postal Service ("USPS"), instead of August 18, 2003, the date shown on the filing receipt and the date the Application was actually received at the Patent Office.

On Thursday, August 14, 2003, the undersigned personally delivered and deposited the above-noted Application with the USPS. The items deposited are as noted in Applicant's "Certificate of Express Mailing and Transmittal Letter", attached. The deposit was prepared for mailing under 37 CFR 1.10 using the "Express Mail" service of the USPS.

As a result of the power outage throughout the Northeast and Midwest on Thursday, August 14, 2003, the Post Offices in the Detroit area were closed or

did not accept mail in a manner normally followed by the USPS, i.e. by endorsing the Express Mail Form.

In the matter of the Application herein, the Application was handed to a USPS worker (i.e., not dropped into an Express Mail drop box). The USPS worker "accepted" mail that was presented by users. Because of the power outage emergency and the demands of the users that day, the USPS did not have the ability to provide users with normal postal services. In particular, the USPS would not fill out the "Express Mail" mailing label and provide a "date in" receipt.

Applicant's Attorney *deposited* but could not receive the Express Mail receipt from the USPS, showing that the Application was in fact deposited on Thursday, August 14, 2003.

Attention is drawn to the USPTO Announcement "United States Postal Service Interruptions and Emergency Terminated" (copy attached):

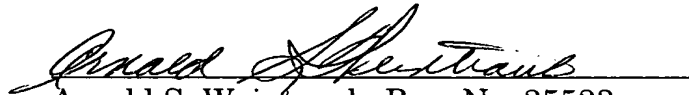
"Correspondence that would have been filed with the USPTO under 37 CFR 1.10 on Thursday, August 14, 2003 ... but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on Thursday, August 14, 2003 ... but for this designated interruption in the 'Express Mail' service of the USPS."

Pursuant to this Announcement, in this Petition under 37 CFR 1.10, Applicant's Attorney incorporates the Application materials previously deposited with the Patent Office, and states that the correspondence would have been deposited with the USPS on Thursday, August 14, 2003 but for this designated interruption in the "Express Mail" service of the USPS.

Applicant's Attorney submits that the above-identified Application be accorded a filing date of August 14, 2003, instead of August 18, 2003.

In view of what has been stated herein, it is respectfully requested that the filing date be corrected, and reflect the actual filing date of August 14, 2003.

Respectfully Submitted,

  
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Dated: Dec. 18, 2003

Attachments



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Terminated**

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The power outage on Thursday, August 14, 2003, resulted in a number of United States Postal Service (USPS) post offices throughout the Northeast and Midwest United States being closed or not accepting mail. The United States Patent and Trademark Office (USPTO) published a notice on Friday, August 15, 2003, on its Internet Web site designating this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR 1.6(e). The USPS has notified the USPTO that this interruption in the service of the USPS ended on Saturday, August 16, 2003. Therefore, the USPTO has terminated the designation of this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR 1.6(e).

Correspondence that would have been filed with the USPTO under 37 CFR 1.10 on Thursday, August 14, 2003, through Saturday, August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on Thursday, August 14, 2003, Friday, August 15, 2003, or on Saturday, August 16, 2003, but for this designated interruption in the "Express Mail" service of the USPS.

The provisions of 35 U.S.C. § 21(a) and 37 CFR 1.6(e) apply only to postal interruptions and emergencies. The provisions of 35 U.S.C. § 21(a) and 37 CFR 1.6(e) do not provide for the granting of a filing date to correspondence as of the date on which it would have been filed but for other exigencies, such as the unavailability of a computer or word processing equipment, or the inaccessibility of an office or building other than a USPS facility.

Inquiries concerning this notice may be directed to Eugenia Jones by e-mail at [eugenia.jones@uspto.gov](mailto:eugenia.jones@uspto.gov) or telephone at 703-306-5586.

Date: 08/19/2003

Signed: Jon W. Dudas for

JAMES E. ROGAN

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

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*Last Modified: 11/16/2003 02:23:44*